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declared nuisances, how far they may be regulated, what action may be taken with respect to structures and in general under what circumstances and in what manner nuisances when found to be such may be dealt with. A mere reference to the topics considered reveals their present-day importance and evidences what is true throughout the book, that the authors have realized the need for a treatise on this subject which shall be written with full appreciation of existing conditions. This need they have met in this book, which is certain to prove of practical value to the legal profession.

H. W. B.

THE LAW OF HOMICIDE. By FRANCIS WHARTON, LL. D. Third Edition, by FRANK H. BOWLBY, of the Publishers' Editorial Staff. Rochester, N. Y.; The Lawyers Co-operative Publishing Co. 1907. Pp. clvi. 1120.

The different editions of this work have appeared at intervals of such length as to require in each instance important modification of the text and extensive addition thereto. Dr. Wharton first published the book in 1855, and not until twenty years later did he consent to bring out a new edition, and then only, apparently, because changes and developments had occurred to such an extent that dependence on the text of the original edition would have resulted in the application of rules no longer in accord with the more accurate psychological knowledge and humane sentiment accepted by the ablest courts. It is in this second edition that malice and intent appear to have become inferences of fact rather than presumptions of law, that insanity is recognized as a condition susceptible of infinite gradations, that to sustain an averment of an intent to kill the deceased, evidence of intent to kill a human being must be produced, and so on. This second edition was written along lines similar to the first edition, and the subject was developed in logical and philosophical fashion. The eminence of Dr. Wharton, and the respect commanded by his productions are everywhere conceded.

The present edition differs in many more respects from its predecessors than new editions are wont to do. Certain portions of the old text are retained, but in large measure the whole subject has been rewritten, and a number of new chapters have been added. The cases are exhaustively cited, but the method evidences the type of the modern law book intended for use by the profession, approaching as it does towards the digest form of composition, rather than the

philosophical treatise of the old-fashioned school. Doubtless this is the prevailing tendency, and the orderly presentation of the principles of concrete cases well classified is more in line with the desires of the practicing attorney than a profound rationale of the underlying principles. But we confess to a feeling that the extensive changes in method of treatment are such as make it doubtful whether this volume can fairly be regarded a new edition of Dr. Wharton's work. Our inclination would rather be to consider the book the work of Mr. Bowlby than of Dr. Wharton, while necessarily Mr. Bowlby is deeply indebted to Dr. Wharton, as he would be the first to confess himself.

Naturally in a book devoted to a single topic of criminal law, subjects of general bearing must be treated in limited manner and their full exposition left to the more general work. So we find frequent references to Wharton's Criminal Law, and occasionally, as in the case of drunkenness and insanity to Wharton & Stille's Medical Jurisprudence. While this is true, still, the book can well lay claim to being a complete treatise on its subject since even in these instances, the rules referred to are considered so far as to make clear the more important phases of their operation in relation to homicide.

The division of the subject matter is in its most important part not novel, but several topics of increasing interest are treated in separate chapters. After an introductory study of who may commit homicide, the subject of the crime, the causal connection between the act and death, the participants in the crime, and the difficult subject of malice, the author takes up murder at length and then manslaughter. The law of self-defense follows, and after intervening chapters of less importance, homicide by abortion or attempted abortion is treated, and also homicide of officers of justice or in resisting arrest, or in carrying out conspiracy to do an unlawful act. To negligent homicide, homicide by officers of justice, and homicide to prevent criminal or unlawful acts separate chapters are devoted, and the book closes with chapters on insanity and drunkenness, pleading, &c. evidence, verdict, judgment and execution.

The principles are clearly stated, and the examination of the authorities is apparently thorough. The book is to be commended to the practicing attorney whose labors may require him to consider this branch of the law.

H. W. B.